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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,062	08/29/2003	Daigo Aoki	DAIN:578B	8988
25944	7590	09/15/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				KUGEL, TIMOTHY J
ART UNIT		PAPER NUMBER		
1712				

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/651,062	AOKI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Timothy J. Kugel	1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 50-61, 63 and 65-67 is/are pending in the application.
- 4a) Of the above claim(s) 66 and 67 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 50-61, 63 and 65 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. 09/789,748.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

1. Claims 50-61, 63 and 65-67 are pending as amended on 30 June 2005, claims 1-49, 62 and 64 being canceled. Claims 66-67 are withdrawn from consideration.

### ***Double Patenting***

2. Applicant's terminal disclaimer, filed 30 June 2005, has been fully considered and is proper. The rejection of claims 50-65 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of US 6,573,650 (Aoki '650 hereinafter) has been withdrawn.

3. Applicant's terminal disclaimer, filed 30 June 2005, has been fully considered and is proper. The rejection of claims 50-65 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 6 and 9 of US 6,650,047 (Aoki '047 hereinafter) has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

4. The rejection of claims 50-55 under 35 USC 102(e) as being anticipated by Kimura is maintained. Applicant's arguments filed 30 June 2005 have been fully considered but they are not persuasive.

Applicant argues that Kimura does not teach an electroluminescent device and further argues that Kimura does not teach a photocatalyst capable of charge-injection and/or charge-transfer; however, since Kimura teaches the same composition as claimed, one of ordinary skill in the art at the time the invention was made would have expected that the charge-injection and/or charge-transfer properties of the Kimura composition would inherently be the same as claimed; and since the Kimura

composition meets all of the listed limitations of the claimed electroluminescent device, the Kimura structure would inherently be an electroluminescent device as claimed.

Applicant finally argues that Kimura does not recognize the problems associated with the manufacture of electroluminescent devices or the novel, non-obvious solutions embodied in the electroluminescent device claimed; however, Kimura does teach all of the limitations of claims 50-55 and the argued solutions do not appear in the instant claims.

5. The rejection of claims 50-52, 54-58, 60, 61, and 63 under 35 USC 102(b) as being anticipated by Murasawa is maintained. Applicant's arguments filed 30 June 2005 have been fully considered but they are not persuasive.

Applicant argues that Murasawa does not teach an electroluminescent device and further argues that Murasawa does not teach a photocatalyst capable of charge-injection and/or charge-transfer; however, since Murasawa teaches the same composition as claimed, one of ordinary skill in the art at the time the invention was made would have expected that the charge-injection and/or charge-transfer properties of the Murasawa composition would inherently be the same as claimed; and since the Murasawa composition meets all of the listed limitations of the claimed electroluminescent device, the Murasawa structure would inherently be an electroluminescent device as claimed.

6. The rejection of claims 50-55 and 65 under 35 USC 102(b) as being anticipated by Kobayashi is maintained. Applicant's arguments filed 30 June 2005 have been fully considered but they are not persuasive.

Applicant argues that Kobayashi does not teach an electroluminescent device and further argues that Kobayashi does not teach a photocatalyst capable of charge-injection and/or charge-transfer; however, since Kobayashi teaches the same composition as claimed, one of ordinary skill in the art at the time the invention was made would have expected that the charge-injection and/or charge-transfer properties of the Kobayashi composition would inherently be the same as claimed; and since the Kobayashi composition meets all of the listed limitations of the claimed electroluminescent device, the Kobayashi structure would inherently be an electroluminescent device as claimed.

***Claim Rejections - 35 USC § 103***

7. The rejection of claims 53-51 and 63 under 35 USC 103(a) as being unpatentable over Kobayashi in view of Murasawa is maintained. Applicant's arguments filed 30 June 2005 have been fully considered but they are not persuasive.

Applicant argues that Kobayashi and Murasawa do not combine to teach an electroluminescent device and further argues that Kobayashi does not teach a photocatalyst capable of charge-injection and/or charge-transfer; however, since Kobayashi and Murasawa teach the same composition as claimed, one of ordinary skill in the art at the time the invention was made would have expected that the charge-injection and/or charge-transfer properties of the Kobayashi and Murasawa composition would inherently be the same as claimed; and since the Kobayashi and Murasawa composition meets all of the listed limitations of the claimed electroluminescent device,

the Kobayashi and Murasawa structure would inherently be an electroluminescent device as claimed.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

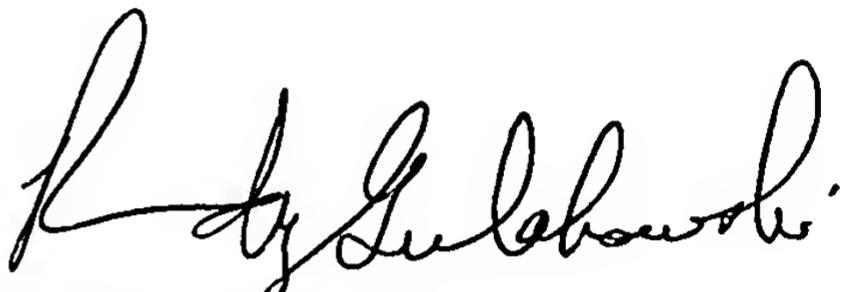
Art Unit: 1712

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJK  
Art Unit 1712



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